

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:03CV285-03-MU

JONATHON B. MALLWITZ, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
Lt. EDDIE LANCE; BONNIE )  
STEVENSON; JONATHAN (CHRIS) )  
McCALL. )  
 )  
Defendants. )  
\_\_\_\_\_ )

**ORDER**

**THIS MATTER** comes before the Court on the Court's own motion.

According to the record, on January 25, 2003, the plaintiff filed a civil rights Complaint under 42 U.S.C. § 1983. By that Complaint, the plaintiff essentially alleged violations of his rights under the First, Fourth, Eighth, and Fourteenth Amendments.

The record shows that by Order dated March 26, 2004, this Court ordered that Defendants should file an Answer to the Complaint. The Court also stayed the case as to Defendant McCall pursuant to the Soldiers and Sailors Civil Relief Act. 50 App. U.S.C. § 521. (See Document No. 7.) On April 22, 2004, Scott MacLatchie, attorney for the defendants filed an Answer on behalf all of the named defendants including Defendant McCall.

The case is currently set for trial on November 14, 2005 at 10:00 a.m. Mr. MacLatchie has advised this Court that Defendant McCall has returned from serving active duty in Iraq and is available to participate in the trial proceedings on November 14, 2005.

**NOW, THEREFORE, IT IS ORDERED** that the stay as to Defendant McCall is now lifted.

**Signed: August 25, 2005**

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
Chief United States District Judge

